

VZCZCXRO6501
PP RUEHCN RUEHGH
DE RUEHIN #2632/01 3540928
ZNR UUUUU ZZH
P 200928Z DEC 07
FM AIT TAIPEI
TO RUEHC/SECSTATE WASHDC PRIORITY 7647
INFO RUEHBK/AMEMBASSY BANGKOK PRIORITY 3921
RUEHBJ/AMEMBASSY BEIJING PRIORITY 7575
RUEHHI/AMEMBASSY HANOI PRIORITY 3410
RUEHJA/AMEMBASSY JAKARTA PRIORITY 4155
RUEHML/AMEMBASSY MANILA PRIORITY 0225
RUEHUL/AMEMBASSY SEOUL PRIORITY 9118
RUEHKO/AMEMBASSY TOKYO PRIORITY 9348
RUEHCN/AMCONSUL CHENGDU PRIORITY 2275
RUEHGZ/AMCONSUL GUANGZHOU PRIORITY 0737
RUEHHK/AMCONSUL HONG KONG PRIORITY 8846
RUEHGH/AMCONSUL SHANGHAI PRIORITY 1554
RUEHSH/AMCONSUL SHENYANG PRIORITY 6245
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY

UNCLAS SECTION 01 OF 03 TAIPEI 002632

SIPDIS

SIPDIS

STATE FOR G/TIP, G, INL, DRL, PRM, EAP/RSP, EAP/TC

E.O. 12958: N/A

TAGS: [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TW](#)

SUBJECT: TIP UPDATE: TAIWAN MAINTAINS ANTI-TRAFFICKING
MOMENTUM

¶1. (U) Summary: Taiwan continues to make progress in its fight against human trafficking. The Taiwan authorities and local NGOs co-sponsored three separate TIP conferences over the past month. The Legislative Yuan (LY) amended the Immigration Law to provide additional protections for trafficking victims, and banned for-profit marriage brokerage services. The Council of Labor Affairs (CLA) extended the legal work period for foreign workers from six to nine years. CLA has also promised to ease restrictions on foreign workers' ability to change employers, and to implement a direct-hiring process for domestic helpers by year's end. The Immigration and Justice ministries are completing work on the first draft of a comprehensive anti-trafficking statute. Despite this progress, NGOs and human rights activists called a march to protest the poor working conditions, inadequate legal protections, and corrupt labor brokerage system which still plague tens of thousands of foreign laborers in Taiwan. End Summary.

Trafficking Conferences

¶2. (U) On November 26, the Ministry of Interior (MOI) and National Immigration Agency (NIA) sponsored and participated in a one-day conference hosted by the Good Shepherd Sisters, a local Catholic NGO. More than 100 people attended the conference, including police, prosecutors, judges and NGO representatives from around Taiwan. It is difficult to identify or protect trafficking victims, said several police officers, because foreign workers fear the police and often conceal the truth. Prosecutors complained that Taiwan law offers trafficking victims little incentive to testify, making it difficult to build cases against suspected traffickers. Without an anti-trafficking statute, one judge noted, prosecutors must rely on other criminal laws to pursue traffickers. Some statutes, like Taiwan's anti-slavery law, carry heavy jail sentences, but also impose evidentiary burdens which are difficult to prove in trafficking cases. Other offenses, like document fraud and perjury, are easier to prove, but punishments are far less severe. For these reasons, the judge concluded, many traffickers receive light

punishment or escape conviction entirely.

¶3. (U) On December 6-8, a coalition of NGOs led by the Stella Maris International Service Center hosted the "2007 International Conference on Globalization and Human Rights of Migrants." The event was sponsored by MOI, the Foreign Ministry (MOFA) and the Council for Labor Affairs (CLA). The second and third days of the conference focused on the history and development of Taiwan's foreign labor market and recommendations to improve protections and services for Taiwan's foreign worker population. Participants included Taiwan government officials, international and local NGO representatives, and local academic and religious leaders.

¶4. (U) Father Peter Nguyen of the Vietnamese Migrant Workers and Brides Office (VMWBO) recommended the following reforms for Taiwan's foreign worker system: (1) replacing the current brokerage system with a government-run direct-hiring system; (2) extending Labor Standards Act protections to domestic helpers; (3) eliminating the nine-year time restriction to allow foreign workers to remain in Taiwan as long as they have legal employment; (4) allowing foreign workers to form their own unions or to join existing ones; and (5) enabling foreign workers to change employers at will. In response to Fr. Peter's points, CLA Deputy Director Chou announced CLA's plan to open by year's end a direct-hiring service for domestic helpers and five new employer counseling centers. Chou also stated that CLA intends in the near future to liberalize rules governing a foreign worker's right to change employers. Fr. Peter told AIT that VMWBO had compiled a list of dozens of foreign workers currently held in detention centers who, according to Fr. Peter, should be identified as trafficking victims and removed from detention. VMWBO

TAIPEI 00002632 002 OF 003

intends to submit this list to NIA for consideration in the near future. AIT will stay in contact with VMWBO and NIA to monitor progress on this issue.

¶5. (U) On December 9, in conjunction with the Liberal International Conference on Human Rights in Taipei, the Taiwan Foundation for Democracy hosted a conference on human trafficking in Asia. In his opening remarks, President Chen called for increased international cooperation to help Taiwan eliminate its human trafficking problem. Panelists from the Parliamentary Assembly of the Council of Europe compared the very different strategies adopted to discourage sex trafficking: the Netherlands legalized the purchase and sale of sexual services, while in Sweden it is legal to sell sexual services, but not to buy them. (Note: Prostitutes are not punished criminally in Sweden, but their clients are. End note.) The panelists concluded that as long as it is legal to purchase sex, women will be trafficked to meet the demand.

In another session, representatives from local and international NGOs asserted that traditional male attitudes about sex and women's inferior social status also helped perpetuate the demand for commercialized sex in Asia and around the world. They argued that governments can reduce that demand (and the number of trafficking victims) by educating boys and young men to regard girls and women as equals to be treated with respect.

Foreign Workers Protest

¶6. (U) Also on December 9, ten local and international NGOs convened the "2007 National Migrants Rally - I Want My Day Off!" rally, to protest the substandard working and living conditions endured by Taiwan's foreign worker population. According to VMWBO's My-Nga Le, more than 2,000 people participated in the peaceful rally. Le said MOI and CLA officials were also invited but did not attend.

Amended Immigration Law

¶7. (U) On November 30, the Legislative Yuan amended Taiwan's immigration law to provide additional protections for trafficking victims. The amendment requires local police and prosecutors to establish dedicated anti-trafficking units. Law enforcement agencies must protect trafficking victims' identities and personal information from public disclosure. Government agencies must ensure trafficking victims' personal safety, and provide them with appropriate housing, medical and psychiatric care, counseling services, translation assistance and legal counseling services. If the victim is a minor, a social worker must be assigned to his or her case, and must be present during police questioning, all legal proceedings, and trial.

¶8. (U) If a trafficking victim cooperates with prosecutors by providing testimony or other assistance, the victim shall be entitled to the protections afforded by Taiwan's Witness Protection Law. Additionally, such cooperation shall be considered by prosecutors and judges to reduce or eliminate the victim's liability for any criminal or administrative violations. Victims who cooperate with prosecutors are entitled to receive temporary visas to remain in Taiwan up to six months, and can request extensions. However, once the prosecutor closes the case, the trafficking victims will be repatriated to his or her home country.

¶9. (U) The revised immigration law also bans for-profit marriage brokerage agencies. It is now illegal for marriage agencies to advertise their services or to ask for fees. The law provides a one-year period for existing marriage agencies to wind up their operations. Violators will face fines between NT\$200,000 and NT\$1 million (US\$6,250-\$31,250) for failure to comply. Non-profit groups will be allowed to

TAIPEI 00002632 003 OF 003

arrange marriages between foreigners and Taiwan residents.

Draft TIP Statute Under Review

¶10. (U) According to NIA Immigration Affairs Division Director Chien Hui-jiuan and Ministry of Justice (MOJ) High Court TIP Prosecutor Jenny Chen, NIA and MOJ recently submitted the first draft of a comprehensive anti-TIP statute to the Interior Ministry for approval. According to Prosecutor Chen, MOI will review and amend the draft as necessary before submitting it to the Executive Yuan for review. NIA Director Chien advised that the Interior Ministry is expected to complete its review process by April ¶2008. The Executive Yuan could approve the statute as early as next June, she added, paving the way for the proposal to go the LY for consideration. AIT has offered to send the draft statute to US DOJ's Civil Rights Division for its review and suggestions, but MOJ and NIA have not yet replied.

Comment

¶11. (U) The subject of human trafficking is receiving more attention in Taiwan than ever before. Government agencies and NGOs maintain a constant dialogue through public conferences and day-to-day contacts. That interaction is bearing fruit, as evidenced by the increased TIP victim protections included in the recently amended Immigration Act, and the elimination of for-profit marriage brokerage agencies frequently used to traffick women to Taiwan. Although much progress has been made, much remains to be done. Elder-care interest groups continue to block efforts to extend Labor Standards Act protections to Taiwan's 160,000 domestic helpers and caregivers, and the exploitative brokerage system remains largely untouched. According to NGOs, police, prosecutors, and NIA officials frequently fail to identify TIP victims, and too often punish even those who have been identified as victims for immigration and labor offenses. AIT will continue to work with Taiwan counterparts to address these and other TIP issues, and will keep G/TIP informed of

Taiwan's progress.
YOUNG